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SERVICE DATE - SEPTEMBER 16, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 6X)

NEW YORK CENTRAL LINES, LLC-ABANDONMENT
EXEMPTION-IN SHELBY COUNTY, OH

Decided: September 11, 2003

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) (collectively, applicants) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments and Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately .90 miles of railroad between milepost QIO 163.98 and milepost QIO 163.08 in Sidney, Shelby County, OH. Notice of the exemption was served and published in the Federal Register on March 25, 2002 (67 FR 13678-79).¹ The notice stated that, if consummation has not been effected by NYC's filing of a notice of consummation by March 25, 2003, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.² Under 49 CFR 1152.29(e)(2), however, a railroad may file a request for an extension of time to file a notice of consummation in abandonment proceedings. CSXT, on behalf of NYC, filed such a request, and, by decision served March 17, 2003, the due date for filing a notice of consummation was extended to September 25, 2003.

On September 2, 2003, CSXT, on behalf of NYC, filed a request to extend the deadline for filing its notice of consummation until March 25, 2004. The request will be granted.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The notice issued March 25, 2002, embraced STB Docket No. AB-55 (Sub-No. 604X), CSX Transportation, Inc.-Discontinuance of Service Exemption-in Shelby County, OH.

² By decision served April 23, 2002, the exemption was made subject to several environmental conditions and a historic preservation condition. By decision served March 3, 2003, the historic condition was removed. The March 3 decision also noted that the other conditions imposed in the April 23 decision remain.

It is ordered:

1. NYC's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised on or before March 25, 2004.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary